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DATE: December 6, 2002

RECIPIENT INFORMATION	SENDER INFORMATION
To: Examiner Michael Poe Group Art Unit 1732	From: Khaled Shami
Voice Tel. No.:	Voice Tel. No.: 650-622-2332
Fax Tel. No.: 703-872-9702	Sent By: Lisa Kenney
Your Ref.: USSN 09/703,846	Our Ref.: 032491-020
	Total Pages (Incl. Cover Page): 4

RE:

MESSAGE: Please see the attached.

NOTE: The information contained in this facsimile message is attorney-client privileged and contains confidential information intended only for the use of the person(s) named above and others expressly authorized to receive it. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message is prohibited and you are asked to notify us immediately by telephone and to return this message to us by mail without copying it.

Any questions regarding compatibility should be directed to our Office Services Department at + 1.703.836.6620.

Received from < > at 12/6/02 2:13:20 PM [Eastern Standard Time]

(BDSM 05/01)

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING TRANSMITTED VIA FACSIMILE TO THE ATTENTION OF EXAMINER MICHAEL POE AT THE U.S. PATENT AND TRADEMARK OFFICE AT (703) 872-9702

Date: December 6, 2002 By: Lisa Kenney

Patent
Attorney's Docket No. 023491-020 (001/013)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
Balding, et al.)	Group Art Unit: 1732
Application No.: 09/703,846)	Examiner: Michael Poe
Filed: November 2, 2000)	Confirmation No.: 2543
For: Method of Selectively Shaping Hollow)	
Fibers of Heat Exchange Catheter)	
)	
)	

AMENDMENT/REPLY TRANSMITTAL LETTER

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Enclosed is a reply for the above-identified patent application.

☐ A Petition for Extension of Time is also enclosed.

☒ A Terminal Disclaimer and authorization to charge the deposit account in the amount of ☒ \$55.00 (2814) ☐ \$110.00 (1814) to cover the requisite Government fee are also enclosed.

☐ Also enclosed is _____.

☐ Small entity status is hereby claimed.

☐ Applicant(s) request continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$370.00 (2801) ☐ \$740.00 (1801) fee due under 37 C.F.R. § 1.17(e).

☐ Applicant(s) previously submitted __, on __, for which continued examination is requested.

☐ Applicant(s) request suspension of action by the Office until at least __, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(e). The required fee under 37 C.F.R. § 1.17(i) is enclosed.

(10/02)

Amendment/Reply Transmittal Letter
 Application No. 09/703,846
 Attorney's Docket No. 032491-020 (001/013)
 Page 2

- ☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (146/246) is also enclosed.
- ☐ No additional claim fee is required.
- ☐ An additional claim fee is required, and is calculated as shown below:

AMENDED CLAIMS					
	NO. OF CLAIMS	HIGHEST NO. OF CLAIMS PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	ADD'L FEE
Total Claims		MINUS =		× \$18.00 (1202) =	
Independent Claims		MINUS =		× \$84.00 (1201) =	
If Amendment adds multiple dependent claims, add \$280.00 (1203)					
Total Amendment Fee					
If small entity status is claimed, subtract 50% of Total Amendment Fee					
TOTAL ADDITIONAL FEE DUE FOR THIS AMENDMENT					

☐ A claim fee in the amount of \$_____ is enclosed.

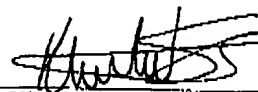
☒ Charge \$ 55.00 to Deposit Account No. 02-4800 for the Terminal Disclaimer fee.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By:


 Khaled Shami
 Registration No. 38,745

P.O. Box 1404
 Alexandria, Virginia 22313-1404
 (650) 622-2300

Date: December 6, 2002

(10/02)

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING TRANSMITTED VIA FACSIMILE TO THE ATTENTION OF EXAMINER MICHAEL POE AT THE U.S. PATENT AND TRADEMARK OFFICE AT (703) 872-9702

Date: December 6, 2002 By: Lisa Kenney

PTO/SB/26 (10-99)
Approved for use through 9/30/2000. OMB 0651-0031
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

TERMINAL DISCLAIMER

Docket Number (Optional)
032491-020 (001/013)

In re Application of: Balding, et al.

Application No.: 09/703,846

Filed: November 2, 2000

For: Method of Selectively Shaping Hollow Fibers of Heat Exchange Catheter

The owner*, Alsus Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,165,207. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

December 6, 2002

12/12/2002 HENSLEY 00000001 024800 09703846

Date

01 FC:2251

55.00 CH

Signature

Khaled Shami, Reg. No. 38,745

Typed or printed name

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this statement. See M.P.F.P. § 324.